



August 14, 2017

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Washington, DC 20530

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

**Re: Docket No. OLP 164**

Dear Mr. Hinchman:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, I write to offer our views in response to the notice posted in the Federal Register on June 28, 2017, "Enforcing the Regulatory Reform Agenda; Department of Justice Task Force on Regulatory Reform Under E.O. 13777." Since its founding in 1950, The Leadership Conference has been committed to the robust enforcement of our nation's civil rights laws, to the constitutional and human rights principles underlying them, and to their fair and thoughtful application in everyday settings.

The Leadership Conference strongly disagrees with the underlying premise of Executive Order 13777. While we all share an interest in making sure that regulations – in any agency – are carefully crafted and avoid excessive burdens, we reject the notion that less regulation is inherently better, or that regulations have been "unchecked" in recent years. Effective regulatory policies are essential to meaningful civil rights enforcement.

As with other areas of the law, federal laws affecting the civil and human rights of people in the United States are generally not self-executing. Our nation's longstanding efforts to extend equal opportunity in education, employment, and housing; protecting the right to vote; reducing hate violence and disparities in the criminal justice system; preventing discrimination in health care; and advancing economic security require a considerable amount of effort to fill in the details in response to the laws passed by Congress. Regulations and guidances clarifying civil and human rights are essential to providing clarity to Department of Justice (DOJ) officials, affected individuals, state and local government bodies, attorneys and advocates, businesses, and other stakeholders and entities obligated to comply with the laws. They provide clear guardrails to good actors, and fair warning to potential bad actors. And they are necessary to fulfilling our goal of creating a more fair, inclusive, and just society.


Existing Department of Justice regulations have been crafted out of extensive notice and comment proceedings, as required under the Administrative Procedure Act, and they are vital to fulfilling the Department of Justice's mission and the statutory mandates with which it has been entrusted. Most of these regulations have also already gone through an Initial Regulatory Flexibility Analysis, which specifically requires the solicitation and analysis of how the regulation affects small business. In addition, the Unfunded Mandates Reform Act of 1995 already requires additional cost analysis.

For these reasons, we oppose any effort by the Department to repeal, replace, or modify any existing regulations or guidance documents for the mere sake of "deregulation." In order for us to provide more specific comments, however, we would need the Department to give proper notice of which specific regulations or policies it is considering repealing, replacing, or modifying. That is how other agencies have conducted their processes under E.O. 13777.

All individuals deserve, and our laws require, a Department of Justice that is working to prevent discrimination and to ensure due process and equal opportunity. We believe that the existing regulations and guidances, and their continued vigorous implementation, are critical to those ends.

Thank you for your consideration of our views. If you have any questions, please contact me at (202) 466-3311.

Sincerely,



Kristine Lucius  
Executive Vice President